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11 Attorneys for Defendant  
 Merck & Co., Inc.

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 HOWARD REECE, an individual

16 Plaintiff,

17 vs.

18 MERCK & COMPANY, INC., a Corporation;  
 19 MCKESSON CORPORATION, a Corporation;  
 and DOES 1 through 50, inclusive.

20 Defendants.

No.: 3:07-cv-01520-SC

**STIPULATION AND [PROPOSED]  
 ORDER STAYING PROCEEDINGS  
 PENDING TRANSFER TO *IN RE VIOXX  
 PRODUCTS LIABILITY LITIGATION*, MDL  
 NO. 1657**

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The parties, by and through their counsel, stipulate to and respectfully request a stay of all proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability Litigation*, MDL No. 1657.

Plaintiff alleges personal injuries attributed to the prescription drug Vioxx®. Defendant Merck & Co., Inc. ("Merck") manufactured and distributed Vioxx, but voluntarily withdrew Vioxx from the market on September 30, 2004.

On February 16, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued an order transferring 148 Vioxx-related cases to the United States District Court for the Eastern District of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. Merck intends to seek the transfer of this action to that Multidistrict Litigation, *In re VIOXX Products Liability Litigation*, MDL No. 1657, and will provide the JPML with notice of this action pursuant to the procedure for "tag along" actions set forth in the rules of the JPML. A stay will potentially conserve judicial resources and will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further judicial economy because "any efforts on behalf of this Court concerning case management will most likely have to be replicated by the judge that is assigned to handle the consolidated litigation").

Based on the foregoing, the parties respectfully request that the Court stay this action pending its transfer to MDL No. 1657.

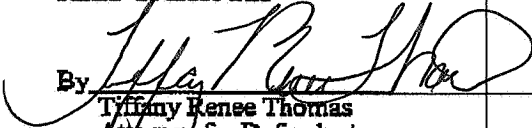
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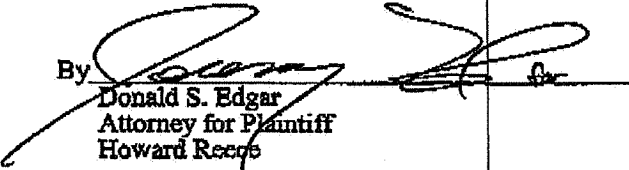
1 DATED: <sup>APRIL 3</sup> ~~March~~ 2, 2007.

2 REED SMITH LLP

3  
4 By   
5 Tiffany Renee Thomas  
6 Attorney for Defendant  
7 Merck & Co., Inc.

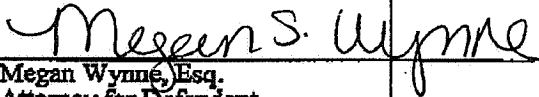
8 DATED: March ~~30~~ 2, 2007

9 EDGAR LAW FIRM

10 By   
11 Donald S. Edgar  
12 Attorney for Plaintiff  
13 Howard Recor

14 DATED: <sup>April</sup> ~~March~~ 2, 2007.

15 MORRIS POLICH & PURDY

16 By   
17 Megan Wynne, Esq.  
18 Attorney for Defendant  
19 McKesson Corp.

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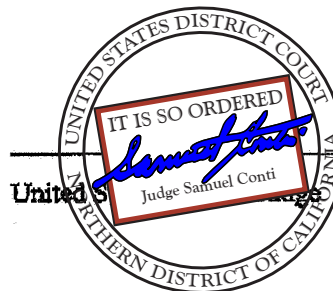
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**ORDER**

Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO ORDERED.

DATED: 4/5/07



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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, Two Embarcadero Center, Suite 2000, San Francisco, CA 94111-3922. On April 3, 2007, I served the following document(s) by the method indicated below:

**STIPULATION AND [PROPOSED] ORDER STAYING PROCEEDINGS PENDING TRANSFER TO *IN RE VIOXX PRODUCTS LIABILITY LITIGATION*, MDL NO. 1657**

- ☐ by transmitting via facsimile on this date from fax number 415.391.8269 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct. 2003(3).
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below.
- ☐ by transmitting via email to the parties at the email addresses listed below:

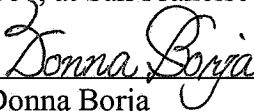
Donald S. Edgar, Esq.  
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Attorney for Plaintiff Howard Reece

Megan S. Wynne, Esq.  
Morris Polich & Purdy LLP  
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Attorney for Defendant McKesson Corporation

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 3, 2007, at San Francisco, California.

  
Donna Borja